

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MICHAEL LOMAX, #017246474	§	
VS.	§	CIVIL ACTION NO. 6:18cv583
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Michael Lomax, an inmate confined in the Texas prison system, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 2011 Anderson County conviction for injury to a child with serious bodily injury. The petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be denied as time barred. (Dkt. #24). Mr. Lomax filed objections. (Dkt. #27).

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Lomax to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Mr. Lomax are without merit. The court reiterates that the petition is time barred and Mr. Lomax failed to establish actual innocence under *Schlup v. Delo*, 513 U.S. 298 (1995). Mr. Lomax's arguments to the contrary in his objections are devoid of merit. Therefore, the court hereby adopts

the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court.


It is accordingly

ORDERED that the Report and Recommendation (Dkt. #24) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

SIGNED this the 27 day of **October, 2020**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge